Quid Novi

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Quid Novi presents complete coverage of the Forum National Conference on the Charter of Rights and Freedoms which took place on November 5:

PETER HOGG

by Lynn Bailey

Peter Hogg, professor of constitutional law at York University and author of the famous red book, got things rolling with an address to the question "Will the Charter be more effective than the Bill of Rights?" To this, Prof. Hogg answered a firm "Yes." He then proceeded, in the coherent fashion we law students have come to appreciate, to give ten reasons why.

Among the sections that Prof. Hogg feels will broaden the scope of the Charter are s.52, the entrenching provision; s.32(1) which makes the Charter applicable to both levels of government; and s.24(1) which provides the

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EDWARD GREENSPAN

by Ian Fraser

Mr. Eddie Greenspan, Esq., announced he had but two points to make: one, that in the words of the CA of Ontario, there is currently a trend to "trivialize the Charter by extravagance"; two, that what in the Charter corresponds to the Bill of Rights 'due process' clause is based rather on "principles of fundamental justice" -- not 'due process' at all.

Several examples from the 200 cases in which the Charter has been invoked were given to illustrate the extravagance of counsel before various courts. The point was made that the ineptitude of litigating lawyers grasping at constitutional straws has led to the Charter's dismal record to date -- and not a sup-

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WALTER TARNOPOLSKY

by Daniel Gogek

There is cause for hope that equality rights in the new charter will not suffer the slow death from strangulation as did their predecessors in the Canadian Bill of Rights.

According to Professor Walter Tarnopolsky, the provisions governing equality rights in the Charter are substantively much stronger than those in the Bill of Rights.

Tarnopolsky dealt with equality rights under ss. 15, 27 and 28 and remedies

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LSA UNHAPPY WITH ADMINISTRATION

by Joseph Rikhof

The LSA Council spent considerable time in its meeting of November 9th, drafting a notice to students which suggested that students should seek an explanation for the delay over the exam timetable from the administration and not from the LSA. Other important issues on the agenda of this marathon session, which lasted more than three hours, were the reports of the student representatives of the Admissions Committee and the Currciulum Committee.

Admissions Committee

Zella Osberg explained the present procedure of the Admissions committee, which is as follows: all admissions forms are received by Mrs. Hale, who makes the initial rough decision. After that all files go to the nine faculty members (student members do not review individual candidates -- their input is limited to formulating the policy of the Committee). Each file is received by only two faculty members since it would be rather difficult for all 9 members to look at all the 1000 files received every year.

The Committee is now working on a new structure for admissions. Future

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DAVID NATHANSON

by Demetrios Xistris

One of the more specific topics in the Forum was Tax Law and the Charter. David Nathanson, a practicing lawyer from Toronto, ably related the new Charter provisions and their effect on tax law today.

Mr. Nathanson pointed out that the essence of tax law is a continuing fight between the MNR and the taxpayer over who will enjoy private property. The right to enjoyment of property was included under the Canadian Bill of Rights but not in the Charter. Mr. Nathanson speculated that this was either an oversight or that enjoyment of property could be incorporated under other provisions of the Charter.

However the most relevant aspect of the Charter was s.8 (read with s.1) which made the individual secure from unreasonable search and seizure as can be reasonably justified in a free and democratic society. As to this provision, Mr. Nathanson proposed important questions which would have to be justified when the MNR receives a warrant to search a premise for tax information. Is the b eadth of the search and seizure reasonable? Was the authorization reasonable? Was the authorization cast in reasonable terms? Was judicial approval reasonable? Was the search and seizure as conducted reasonable? And is it reasonable that evidence obtained in a high-handed manner be excluded by s. 24(2) of the Charter?

These are all questions which interpose s.8 with s.1. As to what would be considered unreasonable is yet to be defined in tax law. However, Mr. Nathanson specified that we should not look to American case law on search and seizure because its breadth is too wide.

Mr. Nathanson was quick to point out the inequities of tax law. For example, if the MNR saw that you failed to report income on a Canada Savings Bond then they could be authorized with a search and seizure warrant to examine a fair amount of a person's documents. The question that is then asked is: if this is legal, then is it unreasonable? And if so would the Charter protect it as such?

Mr. Nathanson also described contradictory provisions of the Tax Act and the Charter. For example, the Charter in s.11(b) provides that you be tried in a reasonable amount of time but under the Tax Act a civil assessment appeal may be stayed pending the outcome of a civil proceeding should one exist. Also, do the Charter's provisions for cruel and unusual punishment provide any redress against fines for tax evasion that sometimes amount to 125-150% of the tax? And when questioned, it was brought to Mr. Nathanson's attention that the presumption of an MNR's assessment as correct until the taxpayer could show otherwise may be a violation of s.11(D) of the Charter which provides for a presumption of innocence. Mr. Nathanson said that this onus on the taxpayer never really counted for much and that in effect the MNR usually always proved his claim.

Through all these discussions one had the feeling that the Tax Act was a Charter of its own providing and defining rights of a taxpayer irrespective of any Charter. It may be inherent in a tax act that some individual rights and freedoms are abridged. And it may just be that the new Charter courts will uphold the Tax Act provisions as "reasonable and justifiable in a free and democratic society."

ALAN BOROVOY

by Heather Matheson

It was entirely fitting that the speaker to follow Walter Tarnolpolsky be Alan Borovoy. Borovoy, the outspoken counsel for the Canadian Civil Liberties Union, has worked alongside Tarnopolsky both within the framework of the CCLU and outside, on constitutional and human rights issues. Both share the same ideals, but from the beginning of his fiery speech Friday afternoon, it was clear that Mr. Borovoy was the strategy specialist of the two.

What Borovoy came to say was that although we should use the charter of rights whenever we can, we should not, as future lawyers, make the mistake of relying on it. There is too much regrettable jurisprudence as Borovoy calls it, to ever let us rest easy with the charter and the interpretations that could come out of it on benches across the country. Mr. Borovoy obviously felt uncomfortable with the thought of possibilities for future, "unfortunate" decision-making, and along the way presented his own guerilla handbook of fail-proof strategies, with thanks to Saul Alinsky, who, when talking about real

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IRWIN COTLER

by Pearl Eliadis

Our own Prof. Cotler, the sixth speaker in the Charter conference, gave his audience a whirlwind tour of the past present and future of fundamental freedoms in Canada. In particular, the freedom of expression was considered to be the precondition of all other rights.

Historically, the so-called "double override" was the dominant feature in the barren landscape of Canadian judicial protection of fundamental freedoms. The division of powers had always been distinct from the rights of individuals, and parliamentary sovereignty encased in legal federalism became a historical obsession. Even where rights were protected, noted Cotler, one could no escape the disturbing inference" that if the offending statute had been passed by the proper legislature, then it would not have been struck down.

Even today, after the Charter, s.33 is solid proof that the ghosts of double override are with us. Even though s.33 may not often be invoked for political reasons, it cannot be doubted that the vestiges of parliamentary sovereignty haunt us still. Nor should it be forgotten that proper characterization of issues is as essential to post-charter lawyers as it was to F.R. Scott in the Roncarelli case.

Even though it may appear that the Implied Bill of Rights was dealt its death blow in Dupond, it is distinctly possible that it will rise like a phoenix from the ashes of judicial history. Necessity may well be the mother of reinvention. Since our courts will soon be faced with a number of cases for which the "rules" of Charter intepretation are as yet unknown, they might turn to the ringing statements of judges like Rand J. as the only Canadian precedents that will aid in pouring meaning into the Charter.

Turning to freedoms themselves, Cotler noted that freedom of association is specifically mentioned in our Charter, whereas it is absent in the American constitution (although it is a derivitive freedom in the U.S.). Freedom of conscience and religion is not only an abstract ideology, but may have widespread ramifications in all areas of the law, taxation and employment conditions being two practical examples. Cotler emphasized the organic nature of fundamental freedoms, that they tend to travel together, but also remarked that no freedom is absolute, and that the ultimate goal of our judiciary will be to strike an optimum balance between state interests and individual liberty. With respect to the "reasonable limits" of section one, it must be borne in mind that fundamental freedoms are just that -- fundamental, and hence the potential of section one to make inroads into the scope of section two must be held in check.

In the future, then, counsel and judges alike must take advantage of the legal resources open to them. American caselaw, our own bisystemic legal heritage, provincial human rights codes and international law are all of great potential value in making the future of fundamental freedoms in Canada a meaningful one.

JULIUS GREY

by Dan Bilak

McGill law professor and Montreal practitioner Julius Grey was the last but by no means the least important speaker at the Conference. He offered a broad perspective on the subject of language rights describing it as "a peculiar area of civil rights" where politics had to be kept in mind. By way of example, Prof. Grey claimed that section 23 of the Charter could only be understood as a political attempt to "repeal" the provisions of Bill 101. He maintained that Canada has had a generally poor record on language rights and that the federal government finally decided to to put an end to discriminatory provincial language policies.

Moving from the general to the particular, Prof. Grey expressed his fear that language rights would be interpreted in the "traditional Canadian way, that is, that section 23 would be very narrowly defined. This prospect posed "political dangers" for the Charter and for Canadian unity, Grey claimed. He strongly advocated a liberal interpreta- of the term "reasonable limits" in section 1, stating that "as a rule, constitutional rights should be applied broadly."

Prof. Grey suggested that section 27 (preserving Canada's multicultural heritage) could be used to favour a minority language given conflict of interpretation. He also expressed the hope that section 23 would be interpretted broadly in cases where handicapped children were granted minor-

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Quid Novi

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plans include a new policy regarding scholarships, the review of promotional material of the law school and setting up of an alumni network. Osberg's last comment was a proposal that the LSA initiate a General Assembly meeting in September where all the students' reps of the various standing committees would be introduced to the law school population and could receive suggestions.

Curriculum Committee in for a Big Year

The Curriculum Committee has an "A" list of high priority items and a "B" list of lower priority items. The "A" list includes:

--considering the teaching of Evidence, since there are 4 courses, which overlap in part;

--streaming of upper year courses with a view to facilitating timetabling and determining successive years in which students will take particular courses;

--further rationalizing the offerings in Civil Law with a view to reducing the number of two-credit courses;

--teaching the Charter in the curriculum.

List B showed the following:

--increasing the credit weight of Tax III and VI;

- increasing the credit weight of Real Estate Transactions to accommodate mortgages;

--considering the appropriateness of Institute of Comparative Law courses for the National Programme;

--considering the Mooting Program;

--further inquiring into setting up a course in telecommunications and computers;

--pursing a suggestion that a course in legal ethics be created.

In response to the reports Stéphan LeGouëff gave some suggestions for future reporting of standing committees. He wanted the student representatives to state goals and objectives and make an anlysis of the work of the Committees, define policies and indicate what might be wrong. Moreover he though that a questionnaire attached to the evaluation forms with questions regarding creditweight, one or two term courses and mode of examinations, would be helpful for members of the various committees.

The Third Exam Schedule

The second exam schedule was not approved, said Bruce Fitzsimmons, because Prof. Cohen objected to the fact that his Civil Procedure exam was put on the last day. This would have meant that he had to correct more than 100 exams before January 5th, an almost impossible task. Because of this objection, termed reasonable, Prof.

Editorial

Minding our P's and Q's

What has happened to good manners? If a group of people are discussing an issue, it is generally held to be bad form if one person interrupts the other. Why should our professors not be accorded the same respect?

I am quite frankly shocked by the boorish behaviour of students who hear the bell ring and feel that it is their right to make as much noise as possible, regardless of whether the professor is still speaking (I should add that I do not hereby exclude myself from the ranks of our unruly hoardes!). There is no excuse for this sort of behaviour. If a student must leave the class immediately, there is no reason why binders must be shut with explosions resembling cannon fire, there is no reason why papers must be shuffled about interminably, and there is no reason to decide that conversations must be initiated with classmates immediately after the bell rings.

Furthermore, students who are asking questions of interest to the whole class should be accorded the same consideration, and should not be interrupted in mid-sentence by a stampede of his classmates beating a hasty retreat from the classroom.

"Do unto others" is still a sound rule of social interaction, and it never ceases to astound me when students complain of a professor's lack of consideration in answering questions, or dealing with the students generally. If we cannnot act in a manner vaguely resumbling civilized behavior, I see little reason why we should expect civilized behaviour in return.

Pearl Eliadis

Cohen had already requested that the administration put his exam at the beginning of the exam schedule, a request which was never received by the LSA. As a result, the exam schedule had to be redone totally, for the second time. The class presidents were willing to do this but wanted to somehow tell the students that the blame for the several delays had to be placed elsewhere. A motion to that effect was drafted by Roger Cutler which included statements that: to have 36 exams in 9 days was a decision taken by the Faculty during the summer; the information needed to draft the exam schedule was not received until Oct. 14th; and the reasonable request of a professor was not passed on by the administration.

This motion was accepted and it was decided that the motion would be presented to the Dean so that he could inform students of the reasons for the delayed exam schedule together with an approved schedule. If the Dean couldn't do it, the LSA would post the letter.

The meeting ended (because it was adjourned around 11:30 p.m.) with two short items. A motion, presented by LeGouëff, to translate the constitution into French was accepted and Tim Baikie received a mandate to delay at Student Council a motion calling on McGill to withdraw from the R.A.E.U., the umbrella group of all Québec university student associations. If he could not delay succeed in delaying the motion, the LSA Council agreed that he should vote against it, because, as Baikie argued, the information about R.A.E.U. given to the student population in the McGill Tribune was misleading. Baikie urged that more information should be acquired before making such an important move.

HOGG...

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possibility of application of the Charter to private activity.

S.33 states that if a clause is properly drafted it could have the effect of making a particular piece of legislation exempt from s.2 and s.7-15 of the Charter. Although a similar mechanism was available under the Bill of Rights, it did not contain the specific restrictions outlined in the Charter and was therefore a more broad exempting power.

As regards the limitation clause in s.1, Prof. Hogg admitted to some reservations about the widening effect of the Charter. He pointed out that many constitutions, such as that of the United States, do not contain express clauses to this effect as the courts build them into their judgements automatically. Prof. Hogg believes that whereas under the Bill of Rights it was relatively easy to convince the courts that the Bill shouldn't apply, the clause now gives a burden of demonstration. Reasonable limits will be significantly more difficult to prove and the scope of the Charter may be narrower in this respect.

For the most part, Hogg stated, the provisions in the Charter are generally broader and more elaborate than those found in the Bill of Rights. Ss.3,6, and 7-14 are examples of this. Although Hogg admitted that s.2(e) and s.1(a) are perhaps narrower than in earlier legislation, the general effect of the Charter is to add rights to those already existing.

As to whether the attitude of the Courts, who were criticized for a timid approach to the Bill of Rights, will change, Prof. Hogg is optimistic. He pointed out that not only have public expectations changed, but the judges have clearly been given a mandate to interpret the Charter in a different way than previous legislation. He added that the language in the Charter has been carefully strengthened so as to avoid the non-application situation frequently encountered under the Bill of Rights.

At the conclusion of his presentation, Prof. Hogg was asked for his opinion on several controversial policy issues. The first question from the audience concerned the role the Charter will play in increased unity in the Canadian federation. Prof. Hogg replied that insofar as the Charter creates a set of rights that apply nationwide and that depend for vindication on a single unified court (as opposed to autonomous provincial courts), there may be a "more Canadian feeling." However, if a country were flying apart, he did not believe that a Charter alone could save it.

In response to Prof. Sklar's query as to whether judges have the training to begin looking at cases from a policy point of view, Prof. Hogg admitted to his lack of faith in the judiciary. He agreed with William F. Buckley in prefering "to be judged by the first 20 people in the Boston phone book than by the entire faculky of Harvard Law School."

ERRATUM: Last week, Quid Novi misprinted the list of professors who voted in favour of extending the exam timetable. The list should have read: Profs. Cohen, Crépeau, Grey, Magdelenat, Sklar, Somerville, and Vlasic.

GREENSPAN...

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posed temerity inherent in Austinian judges (he admitted the recent Déschênes ruling was a bright exception). That record features the unnatural change of section 1 from the mere acknowledgement of a necessary balance between individual and state into a malignant Beast of Law 'n' Order feeding on public fears of mass-murderers freed on technicalities à l'américaine. In more strictly legal terms, the judicial trend seems to be toward the opinion recently expressed at bar by the Ontario AG: that s.1 sets out a general presumption that governments behave propoerly, and the rest of the Charter is a list of rebuttals to that presumption -- the burden of proving which is on the individual plaintiff.

Why has this happened? Simple lack of preparation, the least forgivable failing of a lawyer. That plus a curious eschewal of American experience, which would seem the natural resource for counsel lacking Canadian authority on the Charter; of the 200 cases on record, fewer than 10 make reference to U.S. cases.

Point one was the practitioner's observations. Point two was a more academic exegesis, concerning the significance of the Charter's omission of the phrase "due process", and its replacement of "equality before the law" by "principles of fundamental justice". Exit, one hopes, the Diceyan tricks familiar to students of the Indian Act cases of the seventies. Fundamental justice, Greenspan said, supporting himself with a 1979 Privy Council case concerning the Bermuda constitution (Fisher), had to mean more than "natural justice"; it requires attention to the "roots" of the constitution. In the Charter's case, this means the Diefenbaker Bill, the British unwritten consitution -- and the American Bill of Rights. The result should be that s.7 means something a little less than full-blown American due process, but considerably more than CBR guarantee of proper procedure: "fairness was Greenspan's word, fairness become a cause of action in se.

And finally a third point; an admonition. The Charter can become the basis of all our law someday, Greenspan claimed. Maybe rather soon, maybe in a century, but in the meantime "the Charter's like a baby; you can't keep checking it every five or ten minutes."

BOROVOY...

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people, said that people in the real world do the right thing...for the wrong reason. Here, then, is Alan Borovoy's three-pronged attack method -- an alternative to the charter.

1. Publication: Borovoy, in his usual pithy style, pointed out that the most important thing in fighting against what we perceive to be unjust, is getting our point of view publicized, and, he added, the press loves nothing more than a "good story". Use newsworthy facts, surveys or arrange a happening...anything that will attract attention to the issue with which you're concerned.

2. Dislocation: or, as he likes to call it, "lawful disruption". It's an effective tool for making what you don't like "less functional".

3. Finally, Coalition: It's true what they say... strength is numbers. But, warns Borovoy, once you've aligned yourself with a group or groups, it's equally important to ensure that relationship remains a temporary one based on specific issues...rather than a marriage.

In Ontario, for example, the CCLA was concerned about the lack of liberal housing legislation. There was still no law in force regarding the selling of property...or rather the refusing to sell property to people on the basis of race, creed or colour. Borovoy lined by with every conceivable religious labour group in the province, booked a very small room (another clever tactic, by the way), and met with the province's premier. He introduced the premier to every person in the by then stifling, cramped room, by name and organization... when the premier finally got up to speak, his first words were acknowledgement that maybe it was time in the province for new housing legislation. Borovoy and his tactic of coalition had won...as usual.

In concluding, Mr. Borovy took a few pot-shots at people he calls the timid moderates and the mindless militants. The timid moderates want human rights and civil liberties...but without conflict. You'll recognize them as members of sensitivity encounter groups who are too busy dialoguing or seeing where you're coming from...to do any good. The others, the mindless militants, equate social action with civil disobedience. Borovoy has met both these types, and seems to have no time for either of them. He did, however, leave us with one intriguing closing thought...he says it's the advice given him by a former boss...

take somebody nice
go out
and get into trouble.

TARNOPOLSKY

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under s.5, 24 and 52.

Tarnopolsky suggested that s.15(1) should do away with the currently reigning narrow interpretation of the clause "equality before the law." The Charter adds three new equality "clauses" to the enigmatic equality before the law: equality under the law, equal protection of the law, and equal benefit of the law.

For Tarnopolsky, the "object is clear". These new concepts were added in direct response to the various interpretations of the word "before". These interpretations, often attributable to one Ritchie, J., have held that the word "before" did not also embrace the ideas of under, protection, and benefit. Since these words now form part of the supreme law of the land, the courts will have to use all their powers of imagination if they are still going to deny these forms of equality.

However, there is still the problem of "reasonable limits" under s.1. Tarnopolsky displayed that he is on more than just friendly terms with U.S. case law. He revealed a trilogy of tests from the U.S. which he not only outlined, but to which he also gave his stamp of approval.

The "strict scrutiny" test is applied to the "inherently suspect classes". Under this test, the onus is on the government to show that the distinction made was for an overriding state purpose. The "minimal scrutiny" test is applied when seemingly innocuous distinctions are made (eg. distinctions between different taxpayers). Under this test, the onus is on the claimant to show the distinction was unrelated to the legislative purpose. Then, somewhere in between these two is the "intermediate scrutiny" test. Under this one, the government must prove that its distinction is necessary to achieve an "important government purpose."

It was due to the fact that discrimination against women never made it into the "strict scrutiny" category that many women in Canada fought for s.28 (and that women in the U.S. are fighting for the E.R.A.). Or, as Tarnopolsky explained, "it is quite simply that sex never made it into the inherently suspect category."

On the other parts of the Charter, Tarnopolsky suggested that the affirmative action provision (15(2)) was not necessary. Section 32(1) would preclude application of the Charter to private action. The Charter "will not replace the human rights codes." Tarnopolsky contended that s.27 (the multicultural heritage provision) might even be invoked to support equality arguments. As for remedies, s.52 (Supremacy of the Constitution) would provide the strongest remedy when a law is alleged discriminatory; s.24 (Enforcement) would be the best recourse when a particular state action was alleged discriminatory.

Finally, in response to one of many questions, Tarnopolsky augued that the Supreme Court of tomorrow may lean in significantly different directions from that of yesterday. Four judges (McIntyre, Estey, Dickson, and Lamer) have all alluded to the possibility of wider interpretations. He said it would be "a very different bench from that which considered some of the cases between 1970 and 1975-76." Further, s.15(1) does not come into force for 3 years. Tarnopolsky then paused momentarily and looked up, "Ritchie will be retiring within two years...". Applause and unrestrained smiles immediately filled the room.

GREY...

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ity language education. Their siblings should also have a right to minority language education, he argued.

The last part of Prof. Grey's speech dealt with collective rights, an issue which sparked a lively debate during the question period. Grey argued that the rights outlined in the Charter were not collective (as the Québec government attempted to maintain in the recent Bill 101 Deschênes ruling) but at most are individual rights which can be collectively expressed. He went so far as to describe the notion of collective rights as "fascistic" and cited the Nazi Enabling Laws as an example of how such a notion of rights can be exercised.

In conclusion, Prof. Grey posited that the approach to interpretation of language rights will revolve around how broadly the term "free and democratic society" in section 1 will be defined. "Free" and "democratic" are not synonymous, he said, pointing out that democracy by itself can be oppressive and citing the example of Sparta. In pushing for a Charter, Grey said that the federal government had recognized the need to protect the minority against "the tyranny of the majority". In this light, he hoped that more attention would be paid to the word "free", and perhaps less to the word "democratic".

Bar Prize Moot: Charter Wars

by Celia Rhea

A full house in the Moot Court had the pleasure of hearing talented advocates moot on the controversial subject of the "Battle of the Charters" on Saturday, November 6. Three eminent judges, Brian Dickson of the Supreme Court of Canada and Amedée Monet and Marc Beauregard of the Court of Appeal of Quebec, made an imposing Bench. The question at issue was whether the requirement that French be the sole language of commerce, found in the Charte de la Langue Française, was rendered of no force or effect by the guarantee of freedom of expression in the entrenched Charter of Rights and Freedoms.

The Supreme Court of Canada has not yet considered the question, and all the members of the bench were anxious not to expose their personal views. As a result, counsel for the appellants were not asked any substantive questions, and counsel for the respondents were asked very few. The passivity of the Bench was understandable but disappointing for the particpants who obviously knew the subject very well.

Counsel for the appellants, Karen Kolodny and Mike Larivière, presented a clear and convincing argument on behalf of the A/G of Quebec, for which they were awarded the prize for Best Factum. Larivière contended that Bill 62 takes Quebec laws out of reach of the Canadian Charter. He also argued that freedom of expression does not encompass freedom to choose one's language of business. Both points were made in a logical and precise way, with the result that Larivière was most successful in conveying the state of the law. Karen Kolodny made the more political argument that any limitation on freedom of expression was reasonably justified as per s.1 of the Canadian Charter. Ms. Kolodny had to plead the Quebec nationalist cause in explaining why it was necessary to give Quebec a French look. Many of her audience found themselves sympathetic to a cause to which as Anglo-Quebecers they felt a longstanding antipathy, which is evidence of Ms. Kolodny's ability.

The Counsel for the respondents, who were the winners in the moot, had the benefit of a few challenges from the bench which helped to expose their conviction in their cause. Roger Cutler attacked the validity of Bill 62, and argued that freedom of expression includ incled freedom of cultural and commercial expression and the right to receive information, all of which he claimed were abrogated by s.58 of the Charte. Cutler, who was the most heated of the competitors, captured the political and cultural reality of modern Quebec in his suggestion that one's choice of language is in itself an expression of one's culture and politics. He also made a sarcastic reference to name changes like "Chez Deli Ben."

Bill Tresham was named Best Pleader for his aggressive and persuasive performance. Tresham elicited the most response and opposition from the Bench. He disposed of two difficult questions on the use of American case law, and the admissibility of intrinsic evidence, with irrepressible confidence. Tresham did concede on one point. Chief Justice Dickson, as he was then, questioned the respondents' request for costs because the respondent was x intervenant. Tresham ·ally agreed to forego costs, but only after receiving Chief Justice Dickson's assurance that costs were never awarded to an intervenant.

The Senior Moot Court Board particularly Josée Gravel and Richard Kurland, took on a lot of hard work in organizing the event and some unexpected anxiety as well. Maître Quesnel, representing les Barreaux de Québec et Montréal, did not arrive until 20 minutes before the end of the moot. The Moot Court Board members had the pleasure of contemplating announcing that there was no Bar Prize for the Bar Prize Moot, during most of the event.

Women and the Law

1) Anyone interested in attending the National conference in Victoria, February 23-26 as a voting delegate (to be a voting delegate one must become a member of the National association by November 22) or an observer, should sign the list located in the women's lounge, or contact Carol Rizzo before November 22.

2) Vanda Santini, BCL III, is collecting money for memberships in the Montreal and National Associations. Anyone interested should contact her as soon as possible.

NOTICE TO LLB 3

I have an appointment with Dean Brierley on Nov. 26 in my capacity as class prez. Please let me know of any issues you feel should be addressed during this meeting.

Suzanne Michaud
Phone 688-7644